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Message Text

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22
ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 FBIE-00 INSE-00 NSAE-00 SCA-01

VO-03 DODE-00 PM-04 H-02 INR-07 L-03 NSC-05 PA-01

PRS-01 SP-02 SS-15 /054 W
---------- 089374
P 070825Z APR 76
FM AMEMBASSY MANILA
TO USIA WASHDC PRIORITY
INFO SECSTATE WASHDC PRIORITY 3832

C O N F I D E N T I A L MANILA 4855

USIAC

USIA FOR IEA

SECSTATE FOR EA/P

E O 11652: GDS
SUBJ: PUBLIC AFFAIRS IMPLICATIONS OF GOMEZ VISA INCIDENT

REF: A) MANILA 4747, B) MANILA 4599, C) MANILA 4795

1. AS REPORTED REFTEL (A) DFA WITHDREW EXEQUATUR FROM CONSUL DONALD NESS AS RESULT OF VISA INCIDENT INVOLVING FILIPINA, MISS V. CAMPOS GOMEZ (REFTEL (B)).

2. REFTELS (A) AND (C) INDICATE THAT DFA ACTION PROBABLY INTENDED BE LESS SEVERE THAN DECLARING NESS PNG. FURTHER EVIDENCE THIS WAS ACTUAL DFA INTENT WAS CONTAINED IN DFA BACKGROUND BRIEFING FOR PRESS IMMEDIATELY FOLLOWING ISSUANCE OF NOTE VERBALE. BRIEFING GIVEN BY MINISTER SERAFIN GARCIA, ACTING CHIEF OF PROTOCOL. QUOTES OBTAINED FROM NOTES OF REPORTER WHO ATTENDED BRIEFING INCLUDE FOLLOWING:

A. PRESENT ACTION IS "NEAREST THING TO DECLARING HIM PERSONA NON GRATA."
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B. IT COULD FORCE U.S. EMBASSY TO "REASSIGN HIM SOMEWHERE SO THAT NESS WOULD NOT BE EMBARRASSED" (STRESS IN REPORTER'S NOTES).

C. "HE COULD BE RETAINED AS SECRETARY OF EMBASSY, WHICH IS A DIPLOMATIC TITLE."

D. "REMOVAL OF EXEQUATUR NOT A DEMOTION (SIC) BUT AN EMBARASSMENT."

E. DEFINITIONS OFFERED POINTED OUT DIFFERENCES BETWEEN "DIPLOMATIC STAFF, WHICH DEALS GOVERNMENT TO GOVERNMENT," AND "CONSULAR STAFF, WHICH DEALS DIRECTLY WITH PUBLIC."

3. LEGAL PRECEDENTS OF ACTION CITED REFTEL (C) APPARENTLY EXTEND BEYOND PNG IN EFFECT.

4. FRONTPAGE NEWS STORY IN TODAY'S TIMES JOURNAL CONTAINED INTER ALIA, FOLLOWING QUOTES:

" THE UNITED STATES VICE CONSUL WHO WAS BARRED BY THE PHILIPPINE GOVERNMENT MONDAY FROM DEALING WITH THE PUBLIC FOR "MANDHANDLING"A FILIPINA VISA APPLICANT WILL CONTINUE WORKING WITH THE US EMBASSY HERE UNTIL HIS TOUR OF DUTY ENDS IN JUNE, BUT IN ANOTHER CAPACITY.
" THE US OFFICIAL, DONALD RAY NESS, WAS PULLED OUT OF THE EMBASSY'S VISA SECTION AND REASSIGNED TO ANOTHER OFFICE IN THE EMBASSY.
"US EMBASSY SPOKESMAN JACK LARTZ SAID EMBASSY AUTHORITIES HAD DECIDED TO RETAIN NESS INSTEAD OF SENDING HIM HOME.....
"THE FOREIGN OFFICE BASED ON THE COMMITTEE'S RECOMMENDATION, WITHDREW MONDAY THE EXEQUATUR GRANTED TO NESS. AN EXEQUATUR IS AN AUTHORITY GRANTED BY A HOST GOVERNMENT TO A CONSUL TO PERFORM HIS OFFICIAL DUTIES, LIKE ISSUING VISAS.
"PHILIPPINE DIPLOMATIC SOURCES SAID THE WITHDRAWAL OF THE EXEQUATUR WAS SHORT OF DECLARING NESS "PERSONA NON GRATA" (UNDESIRABLE PERSON).
"WHEN A HOST GOVERNMENT DECLARES A FOREIGNER PERSONA NON GRATA, HE IS ASKED TO LEAVE THE COUNTRY IMMEDIATELY.
"SOURCES AT THE FOREIGN OFFICE SAID THAT NESS MIGHT BE TRANSFERRED BY THE US EMBASSY TO ANOTHER POST SO AS NOT TO EMBARRASS HIM ...."

5. EDITORIAL, SAME ISSUE, CONTAINED FOLLOWING PARAS:
" THE INCIDENT AT THE US EMBASSY INVOLVING A FILIPINA VISA APPLICANT
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WHO CLAIMED TO HAVE BEEN MANHANDLED BY TWO AMERICAN CONSULAR OFFICIALS MAY NOW BE REGARDED AS A CLOSED CASE. IN AN UNPRECEDENTED ACTION, THE DEPARTMENT OF FOREIGN AFFAIRS WITHDREW ITS PERMISSION GRANTED TO ONE OF THE OFFICIALS (THE OTHER WAS CLEARED) TO PERFORM CONSULAR DUTIES AFTER AN INVESTIGATION HAD ESTABLISHED THE CHARGES FILED AGAINST HIM. THE EMBASSY'S REACTION WAS TO DESCRIBE PADRE FAURA'S DECISION AS REGRETTABLE BUT, WHILE IT INSISTED ON THE INNOCENCE OF ITS MEN, THE EMBASSY MANIFESTED ITS

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ACCEPTANCE OF THE ACTION OF THE FOREIGN OFFICE WITHOUT SEEKING A RECONSIDERATION.....

" THE DEPARTMENT'S ACTION MAY HAVE BEEN LESS HARSE THAN BRANDING THE CONSULAR OFFICIAL CONCERNED AS A PERSONA NON GRATA. IT DOES NOT MATTER THOUGH. THE IMPORTANT THING IS THAT PADRE FAURA HAS SHOWN ITS DEPENDIABILITY TO EXTEND ASSISTANCE TO THOSE WITH VALID GRIEVANCES AND ITS CAPABILITY TO ACT PROPERLY AND FAIRLY AFTER A THOROUGH INQUIRY IN ORDER TO PROVIDE REDRESS. BUT MORE THAN ANY-THING ELSE, THE FOREIGN AFFAIRS OFFICE WAS ABLE TO UPHOLD NATIONAL HONOR AND DIGNITY WHICH, IN A SENSE, WERE AT STAKE IN THE COMPLAINT OF THE YOUNG WOMAN. FOR ITS HANDLING OF THE CASE, THE DEPARTMENT DESERVES COMMENDATION."

6. EARLIER NEWS STORIES REPORT MS. GOMEZ AS "VERY HAPPY" WITH DFA ACTION AND CONTENT THAT HONOR HAS BEEN VINDICATED.

7. CASE THUS APPARENTLY CONSIDERED CLOSED BY BOTH THE COMPLAINANT AND BY TIMES JOURNAL WHICH SPEARHEADED HER CAUSE CELEBRE.

8. ALTHOUGH PARTING SHOTS STILL PROBABLE BY SOME PAPERS, USIS BELIEVES GOMEZ CASE ESSENTIALLY WINDING DOWN, SHORT OF NEW IRRITANTS.
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